

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS,
EASTERN DIVISION

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| Protect Our Parks, Inc., Charlotte Adelman, |) | |
| Maria Valencia, and Jeremiah Jurevis, |) | |
| |) | |
| Plaintiffs, |) | Case No. 18-cv-3424 |
| |) | |
| v. |) | Honorable John Robert Blakey |
| |) | |
| Chicago Park District and City of Chicago, |) | |
| |) | |
| Defendants. |) | |

PLAINTIFFS' RULE 60 & 62.1 MOTION

COMES NOW Plaintiffs Protect Our Parks, Inc. and Maria Valencia, by and through their undersigned attorneys, and move the Court pursuant to Fed. R. Civ. P. 60(b) to vacate the final judgment and order entered on June 11, 2019 entered after the court granted summary judgment to the Defendants. (Docket Nos. 145 & 146). Because the matter is currently on appeal, Plaintiffs move the Court to issue an indicative ruling pursuant to Fed. R. Civ. P. 62.1(a)(3) so that Plaintiffs may ask the Seventh Circuit to remand jurisdiction to this Court for the purposes of deciding the Rule 60 Motion. In further support of the Motion Plaintiffs incorporate by reference the accompanying brief in support of their motion and further state the following:

1. On July 11, 2019, this Court ruled on pending cross motions for summary judgment, granting the motion filed by Defendants and denying the motion filed by Plaintiffs. (Docket No. 145). Pursuant to that determination, judgment was entered for the Defendants. (Docket No. 146).

2. On July 29, 2019 – less than ten days ago – two federal agencies issued a lengthy report styled Assessment of Effects to Historic Properties (“AOE Report”), which is attached to

Declaration of Michael Rachlis as Exhibit 1. The AOE Report provides a detailed assessment of the impact upon Jackson Park of the proposed Obama Presidential Center (“OPC”), identifying numerous and severe adverse effects with the plans advanced by the Defendants.

3. As described in further detail in the accompanying memorandum, this information was unavailable to the Court or the litigants prior to the issuance of the Court’s order and judgment, and is highly relevant to the facts provided to the Court as well as to the legal issues presented to the Court. As a result, pursuant to Rule 60(b)(2), 60(5) and/or 60(b)(6), the judgment and order granting summary judgment should be vacated so that these determinations can be now included and reviewed as part of the determination of the cross motions for summary judgment.

4. Because the matter is currently on appeal, Plaintiffs further request an indicative ruling pursuant to Fed. R. Civ. P. 62.1 stating that the Court would either grant the Rule 60 Motion or that it at least raises a “substantial issue” so that Plaintiffs may then notify the Seventh Circuit and request that jurisdiction be remanded for further proceedings. Rule 62.1(a)(3) provides that where “a timely motion is made for relief that the Court lacks authority to grant because of an appeal that has been docketed and is pending, the court may,” among other things, “state either that it would grant the motion if the court of appeals remands for that purpose or that the motion raises a substantial issue.” Fed. R. Civ. P. 62.1(a)(3).

WHEREFORE, for the reasons set forth above and in accompanying Brief in Support of Plaintiffs’ Rule 60 and 62.1 Motion, Plaintiffs respectfully request that the Court issue an indicative ruling pursuant to Rule 62.1, stating that the Court either would grant Plaintiffs’ Rule 60 Motion or that the Motion at least raises a “substantial issue,” so that Plaintiffs may then

notify the Seventh Circuit and request that jurisdiction be remanded to this Court for briefing, hearing, and disposition of Plaintiffs' Rule 60 Motion.

Dated: August 7, 2019

Respectfully submitted,

Protect Our Parks, Inc. and Maria Valencia

/s/ Michael Rachlis

One of their attorneys

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